

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

COMMISSIONER FOR PATENTS

Jose González Miguez

U.S. Application: 10/525,517

Art. Unit 3643

Filing Date: 24.FEBRUARY.2005

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Legal Staff
International DivisionREPLY TO OFFICE ACTION DATED 04/02/2007

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Commissioner for Patents

Atte. VALENTI, ANDREA M (ART UNIT 3643)

PO Box 1450

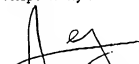
Alexandria, VA 22313-1450

17/April/2007

Dear Sirs:

Regarding the Communication issued on April, 2, 2007 attached please find a Response to said office action. In this respect attached please find the remarks .

Respectfully submitted,



José González Miguez

Fax: 00 34 91 415 3666

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Application/Control Number 10/525,517

Art Unit: 3643

REMARKS

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**Patent Application MODULAR FLOWER BOX COMPRISING WATER
DRAINAGE SYSTEM AND CLAMPS/SUPPORT WHICH IS USED TO
CONNECT MODULES AND WHICH CAN HOUSE A LIGHTING**

10 **ELEMENT (Gonzalez Miguez, Jose)**

Response to Office Action mailed November 1, 2006

Amended set of claims

15 Applicant, as a part of this Response to the Office Action, is now submitting a new claim 11. Old claims 1-10 are cancelled.

Amended drawings

20 Applicant is now submitting Replacement Sheets 2/8, 3/8 and 7/8, as per Examiner's request.

Amended Description

25 **Applicant is now submitting amended pages 6, 8 and 10 of the Description.** Page 6 is being amended to include amendments made to the drawings as above mentioned. Pages 8 and 10 have been amended to include the reference number (5) to designate the reinforced lengthwise module, which was originally identified in drawing 5/8. Therefore, no new matter is being added.

30 In the foregoing, Applicant addresses the objections and rejections made by the Examiner in his Detailed Action, referring to the same numeric items used in said detailed action:

Claim Objections

Examiner objects Claims 1-10 because "characterised in" should be -comprising-

* Remark: Appropriate correction is being made in the now submitted new claim 11.

Drawings

Examiner objects Fig. 2, Fig. 3 and Fig. 7 because they appear to contain multiple embodiments within one Figure.

* Remark: Appropriate correction is being made and Applicant submits now the required corrected drawing sheets. Three Replacement Sheets 2/8, 3/8 and 7/8 are submitted, now showing Fig. 2A, Fig. 2B; Fig. 3A, Fig. 3B, Fig. 3C; Fig. 7A, Fig. 7B, Fig. 7C.

Claim Rejections – 35 USC § 112

Examiner rejects Claims 1-10 as being indefinite and as failing to define the

invention in the manner required by 35 USC § 112, second paragraph.

* Remark: Appropriate correction is being made in the now submitted new set of claims.

Claim Rejections – 35 USC § 103

- Examiner rejects claims 1, 9 and 10 as being unpatentable over French Patent FR2659192 A1 to Felix et al in view of German Patent DE 4025651 to Meulen.

* Remarks: Applicant cancels Claims 1, 9 and 10.

- Examiner rejects claims 2, 3, 4, 5, 9 and 10 as being unpatentable over French Patent FR2659192 A1 to Felix et al in view of German Patent DE 4025651 to Meulen as applied to claim 1 above, and further in view of Japanese Patent JP 03191161 A to Shimizu.

* Remarks: Applicant cancels Claims 2, 3, 4, 5, 9 and 10.

Applicant respectfully disagrees to Examiner's statement "Regarding Claim 3, Felix as modified inherently teaches the interior double wall the double wall does not reach the ends to allow joining since Felix teaches that the ends of the lengthwise sections must be a single wall to fit into the support and end closure (Felix Figure 4 and 3)". In fact, Felix never teaches a wall other than a single wall,

either expressly or inherently; instead, Applicant's invention discloses on page 3 of the Description "a reinforced lengthwise module, where the side walls and the bottom also include, as well as the double wall for evacuating water, another wall that branches from the former one and is less thick, the interior of which is made up of a series of nerves that provide the assembly with greater consistency, thus avoiding outward buckling once the plant pot is filled with earth." Therefore, Applicant firmly believes that the above feature is novel and inventive and claims said feature at new Claim 11. Said Claim 11 is based on the Description, e.g., pages 3, 6, 8, 10, among others.

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- Examiner rejects claim 6 as being unpatentable over French Patent FR2659192 A1 to Felix et al in view of German Patent DE 4025651 to Meulen as applied to claim 1 above, and further in view of U.S. Patent Pub. No. US 2003/0084610 to Yawney.

* Remarks: Applicant cancels claim 6

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- Examiner rejects claims 7 and 8 as being unpatentable over French Patent FR2659192 A1 to Felix et al in view of German Patent DE 4025651 to Meulen, Japanese Patent JP 03191161 A to Shimizu and U.S. Patent Pub. No. US 2003/0084610 to Yawney as applied to claim 1, 2, 3 and 6 above, and further in view of U.S. Patent No. 4,954,015 to McGrowan.

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* Remarks: Applicant cancels Claims 7 and 8

In view of the foregoing remarks, applicant hereby respectfully requests favourable reconsideration and prompt allowance of the claim now submitted.

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Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No. 10/525517	Applicant(s)	
Examiner Valenti	Art Unit	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on **1-31-07** is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other **Remarks are missing.**
- ☐ Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☐ Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given no new time period if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
- Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.